

REMARKS

The Restriction Requirement mailed November 28, 2007, asserts that claims 1, 13 and 25 and claims depending therefrom are directed to an invention that is independent or distinct from the invention originally claimed, relying on 37 CFR 1.142(b) and MPEP § 821.03. Applicant notes that the Restriction Requirement withdraws all pending claims from consideration, thus leaving no claims for the Applicant to provisionally elect.

Applicant traverses the Restriction Requirement and requests reconsideration and withdrawal of the Restriction Requirement.

The claims as filed are directed to providing a gaming management service in a gaming network. While the previously presented claims have been amended, they are still directed to providing a gaming management service in a gaming network. The claims have been amended to clarify previously existing claim elements and provide patentable distinctions. For example, the gaming machine recited in the claims existed in the claims as originally filed. The amendments clarify functionality provided by the gaming machine. Furthermore, the determination of service authenticity and publishing service information in a repository clarify functionality provided by the discovery agent. The discovery agent was recited in the claims as originally filed.

The Restriction Requirement is traversed on several grounds. First, the present application does not claim two or more inventions. 35 U.S.C. § 121 states as follows:

If two or more independent and distinct inventions are claimed in one application, the Director may require the application to be restricted to one of the inventions.

MPEP § 803 follows the statute, stating:

Under the statute, the claims of an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent or distinct inventions.

The Restriction Requirement fails to state that there are two or more inventions in the claims as required by both 35 U.S.C. § 121 and MPEP § 803. Rather the Restriction Requirement alleges that the amended claims “constitute a change of invention” from the previous claims. There is no basis in statute or in the MPEP for requiring restriction where two or more inventions are not currently claimed in one application.

Further, reliance on MPEP § 821.03 is not appropriate in this case. MPEP § 821.03 states:

Claims added by amendment following action by the examiner, MPEP § 818.01, § 818.02(a), to an invention other than previously claimed, should be treated as indicated by 37 CFR 1.145. (emphasis added)

Applicant submits that MPEP § 821.03 is applicable only to the situation where claims are added after an action by the Examiner where the newly added claims are directed to an invention that is independent from previously presented claims, thereby resulting in two or more claimed inventions. MPEP § 821.03 is not applicable to situations where no new claims have been added, such as cases where previously presented claims have been amended. Applicant has not added or presented new claims as required in order for MPEP § 821.03 to be applied. All pending claims were previously presented. Therefore restriction on the basis of MPEP § 821.03 is believed to be improper.

For all of the above reasons, Applicant traverses the Restriction Requirement and requests reconsideration and the withdrawal of the restriction requirement.

RESPONSE TO RESTRICTION REQUIREMENT

Serial Number: 10/788,661

Filing Date: February 26, 2004

Title: GAMING MANAGEMENT SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT

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Dkt: 1842.021US1

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (612) 373-6954 to facilitate prosecution of this application.

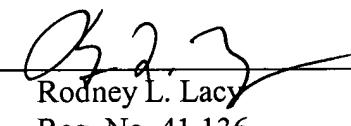
If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date February 28, 2008

By


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CERTIFICATE UNDER 37 CFR § 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 28 day of February 2008.

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